

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Kinyo Virginia, Incorporated
Facility Name:	Kinyo Virginia, Inc.
Facility Location:	290 Enterprise Drive Newport News, Virginia
Registration Number:	61085
Permit Number:	TRO61085

May 8, 2006
Effective Date

May 24, 2009
Expiration Date

Deputy Regional Director

May 8, 2006
Signature Date

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I. Facility Information

Permittee

Kinyo Virginia, Inc.
290 Enterprise Drive
Newport News, Virginia 23603

Responsible Official

Mr. Shigeru Uchioke
General Manager - Manufacturing

Facility

Kinyo Virginia, Inc.
290 Enterprise Drive
Newport News, Virginia 23603

Contact Person

Mr. Eric Nobles
757-888-2221 Ext. 5049

AFS Identification Number: 51-700-00091

Facility Description: SIC Code [3069] [NAICS 326299] – The Kinyo Virginia, Inc. plant in Newport News, Virginia is involved with the production of a rubber blanket material that is used in transfer printing processes. The production of rubber blankets results in emissions of air pollutants; NOx, SO2, CO, PM10, VOC's and HAP's to the ambient air. Kinyo prepares the raw materials, including rubber and various compounding ingredients at the Newport News site. The raw rubber and compounding ingredients are weighed, proportioned, blended, milled and pelletized in preparation for the next step. The pellets are mixed with a solvent so that semi-liquid rubber dough is formed. The rubber dough is transferred to a carcass coater where it is coated onto a cotton-web substrate and then is dried in a hot air chamber. The web is further cured in a vulcanizer. The top (surface) layer of a blanket is produced in a similar fashion using a top coater. Both the coating and drying operations take place in an area meeting the definition of a permanent total enclosure. Emissions from this enclosed area are vented to a carbon adsorption system (CAS), which serves to reduce the VOC emissions and to recover a portion of the solvent. After the coated web is cured and allowed to cool, the blanket's edges are trimmed to a specified width and the blanket's surface is ground to a uniform finish and thickness. The final step in the blanket process is a visual inspection to detect surface flaws, before being covered with a plastic film. Each blanket production has the dimensions measured and recorded prior to shipping.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Vent and Stack ID	Emission Unit Description	Size/Rated Capacity*	Applicable Permit Date
Rubber Blanket Plant				
B1	BV1, S1	Weighing of Raw Materials	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B2	BV2, S2	Kneader -blender	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B3	BV3, S3	Open – mill	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B4a, B4b, B4c	BV4, S4; BV2, S2	Rubber pelletizers	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B5-B15	BV5-BV15	Mixers – rubber churning	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B16-B19	BV16-BV19	Coating & drying Chambers	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B20	BV20	Gyro sifter-surface dusting with talc	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B21-B23	BV21-BV23	Vulcanizers (curing)	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B24-B26	BV24-BV26	Surface grinders	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B27	BV27	Inspection & general cleaning	528,000 square meters of blanket production per year	August 8, 2001, amended February 11, 2002
B28	BV28, S13	Rubber blanket surface grinder	528,000 square meters of blanket production per year	June 1, 2005
Fuel Burning Equipment				
BLR-1	BLRV-1	Cleaver-Brooks #CB-700-250	250 HP boiler with heat input rating of 10.46 million Btu's per hour.	August 8, 2001, amended February 11, 2002

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

Pollution Control Equipment Consists of:

Vent/Stack No.	Control Equipment Description	Manufacturer and Date of Construction	Size/Rated Capacity	Pollutants Controlled
BV1 – S1	BH1, fabric filter	Wheelabrator Canada, Inc. – 44WCC mod 36 D/C	99.5% efficient	PM
BV2 – S2	BH2, fabric filter	Wheelabrator Canada, Inc. – 33WCC mod 36 D/C	99.5% efficient	PM
BV3 – S3	BH3, fabric filter	Wheelabrator Canada, Inc. – 44WCC mod 36 D/C	99.5% efficient	PM
BV4 – S4	BH4, fabric filter	Wheelabrator Canada, Inc. – 32WCC mod 36 D/C	99.5% efficient	PM
BV5-B19, B27 – S5	CAS1, solvent recovery	Vara International PC-11490	95% efficient	VOC, HAP
BV20 – S6	BH5, fabric filter	Tokuju Kosakusho Co. – Gyro Sifter Type GS-B2	99.5% efficient	PM
B24, B25 – S8 – S11	BH6-BH9, fabric filter	NEC Automation, Inc. – BP-36-N	99.5% efficient	PM
B26 – S12	BH10, fabric filter	Amano Corp. – WRT-4064	99.5% efficient	PM
B28 – S13	BH11, fabric filter	Wheelabrator Modular Jet 3 Model 132 Series 6P	99.5% efficient	PM

III. Process Equipment Requirements – (emission unit ID# B1 – B28)

A. Limitations

1. **Emission Controls** – Volatile Organic Compound (VOC) emissions from the coating operation shall be controlled by total enclosure, venting the VOC emissions to a 95% efficient carbon adsorption system (reference 40 CFR 60.742 (b)(2) and (c)(1)). The carbon adsorption system shall be provided with adequate access for inspection and shall be in operation when the coating process is operating, except as provided in Conditions III.E.3 and III.E.4. (9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.742 and Condition 3 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)
2. **Emission Controls** – Particulate emissions from the raw material weighing, mixing, dusting and grinding shall be controlled by fabric filters. The fabric filters shall be provided with adequate access for inspection and shall be in operation when the dry processes are operating. (9 VAC 5-80-110, 9 VAC 5-50-260, Condition 4 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002 and Condition 3 of 6/1/2005 NSR Permit)
3. **Emission Controls** – The permittee shall install, operate and maintain a cover on each piece of affected coating mix preparation equipment and vent VOC emissions from the covered mix equipment to a 95% efficient carbon adsorption system while preparation of the coating is taking place with the vessel (reference 40 CFR 60.742 (c)(1)). (9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.742 and Condition 5 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)
4. **Emission Controls** – The permittee shall demonstrate that the coating mix preparation equipment covers, meeting the following specifications, have been installed and are being used properly (reference 40 CFR 60.743 (c)(1)-(4)):
 - a. Covers shall be closed at all times except when adding ingredients, withdrawing samples, transferring the contents or making visual inspection when such activities can not be carried out with the cover in place. Such activities shall be carried out through ports of the minimum practical size. **Procedures detailing the proper use of covers as specified in this paragraph shall be posted in all areas where affected coating mix preparation equipment is used.**
 - b. Covers shall extend as least 2 centimeters beyond the outer rim of the opening or shall be attached to the rim.
 - c. The covers shall be of such design and construction that contact is maintained between the cover and rim along the entire perimeter.
 - d. Any breach of the cover (such as a slit for insertion of a mixer shaft or port for addition of ingredients) shall be covered consistent with paragraphs (a), (b) and (c) of this condition

when not actively in use. An opening sufficient to allow safe clearance for a mixer shaft is acceptable during those periods when the shaft is in place.

- e. A polyethylene or nonpermanent cover may be used provided it meets the requirements of paragraphs (b) and (d) above. Such cover shall not be reused after once being removed.
(9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.743 and Condition 6 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)
5. **Production** - The production of rubber blankets shall not exceed 528,000 square meters (5,683,345 square feet) per year, calculated monthly as the sum of the previous consecutive 12-month period.
(9 VAC 5-80-110, Condition 9 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002 and Condition 5 of NSR Permit of June 1, 2005)
6. **Throughput** – The throughput of Toluene shall not exceed 15,638 pounds per day or 1629 tons per year (fresh and recycled combined). The annual totals shall be calculated monthly as the sum of the previous consecutive 12-month's throughput.
(9 VAC 5-80-110 and Condition 10 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)
7. **Throughput** – The throughput of Methyl Ethyl Ketone shall not exceed 46 tons per year, calculated monthly as the sum of the previous consecutive 12-month's throughput.
(9 VAC 5-80-110 and Condition 11 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)
8. **Throughput** – The throughput of VM&P Naphtha shall not exceed 9.4 tons per year, calculated monthly as the sum of the previous consecutive 12-month's throughput.
(9 VAC 5-80-110 and Condition 12 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)
9. **Throughput** – The throughput of Isopropyl alcohol shall not exceed 4.3 tons per year, calculated monthly as the sum of the previous consecutive 12-month's throughput.
(9 VAC 5-80-110 and Condition 13 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)
10. **Control Efficiency** – The carbon adsorber system shall maintain a control efficiency for VOC of no less than 95 percent, on a mass basis.
(9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.743 (c)(4) and Condition 14 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)
11. **Requirements by Reference** – Except where this permit is more restrictive than the applicable requirement, the NSPS equipment (Units B5 to B19 and B27) shall be operated in compliance with the requirements of 40 CFR 60, Subpart VVV, Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.
(9 VAC 5-50-400, 9 VAC 5-50-410, 9 VAC 5-80-110 and Condition 22 of 8/8/2001 NSR/NSPS Permit, amended February 11, 2002)

12. **Emission Limits** - Emissions from the operation of the carbon adsorption system (B5-B19 & B27) shall not exceed the limits specified below:

Volatile Organic Compounds (as Toluene)	38.1 lbs/hr	83.2 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emissions limits. Compliance with these emission limits may be determined as stated in numbers III.A. 5, 6, 7 and 10.

(9 VAC 5-80-110 and Condition 16 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002)

13. **Emission Limits** - Emissions from the operation of the Vulcanizers (B21-B23) shall not exceed the limits specified below:

Volatile Organic Compounds	6.4 lbs/hr	14.0 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emissions limits. Compliance with these emission limits may be determined as stated in numbers III.A. 5, 6, 7 and 10.

(9 VAC 5-80-110 and Condition 17 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002)

14. **Emission Limits** - Emissions from the inspection and cleaning operations not vented to the carbon adsorption system (B27) shall not exceed the limits specified below:

Volatile Organic Compounds	5.5 lbs/hr	11.8 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emissions limits. Compliance with these emission limits may be determined as stated in numbers III.A. 8 and 9.

(9 VAC 5-80-110 and Condition 18 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002)

15. **Toxics, Hazardous Air Pollutants** – The permittee is limited to the use of the following volatile hazardous air pollutants (HAPs) in coatings, adhesives, thinners, cleaning solutions for the rubber blanket process:

<u>Volatile HAPs/Toxics</u>	<u>CAS Number</u>
Toluene (HAP)	108883

Isopropyl alcohol (non-HAP)	67630
Methyl Ethyl Ketone (HAP)	78933

The permittee may use additional toxic compounds or HAPs in the rubber blanket process under 9 VAC 5 Chapter 60 Article 5 without obtaining a new permit provided the following conditions are met:

- a. Notification shall be given to the Tidewater Regional Office. Such notification shall be made within fifteen (15) days after the use of additional toxic compounds or HAPs and shall include identification of the toxic compound or HAP, the date the toxic compound or HAP was first used, and the anticipated maximum throughput of that compound in lbs/hour and tons/year. Additional details of the notification should be arranged with the Tidewater Regional Office.
- b. The permittee shall operate this facility in compliance with 9 VAC 5, Chapter 60, Article 5, for all toxic compounds/HAPs.
- c. The permittee shall not use any toxic compound or HAP which would make the facility subject to federal emission standards in 40 CFR 61 or 40 CFR 63.
- d. If a permit is required, failure to obtain the permit prior to change in process formulation or the use of any additional toxic compound or HAP may result in enforcement action.
(9 VAC 5-80-110, 9 VAC 5-60-340 and Condition 19 of NSR/NSPS permit issued 8/8/2001, as amended February 11, 2002)

16. **Toxic/HAP Emission Limits** - Emissions of toxic/HAP pollutants from the operation of the rubber blanket manufacturing plant (B5-B19, B21-B23 + fugitive losses) shall not exceed the limits specified below:

Toluene	60.7 lbs/hr	132.5 tons/yr
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(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-180 and Condition 20 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002)

17. **Emission Limits** - Emissions from the operation of the surface grinder (Unit Ref. No. B28) shall not exceed the limits specified below:

Particulate Matter	0.8 lbs/hr	0.8 tons/yr
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These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emissions limits. Compliance with these emission limits may be determined as stated in numbers III.A. 2, 5, and 18.

(9 VAC 5-80-110 and Condition 6 of NSR permit issued June 1, 2005)

18. **Visible Emission Limits** – Visible emissions from fabric filter exhausts (BH1-BH10) shall not exceed five (5) percent opacity. Visible emissions from the surface grinding fabric filter (BH11) shall not exceed ten (10) percent opacity. Visible emissions from the curing ovens shall not exceed twenty (20) percent opacity. Opacity is determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-80-110, 9 VAC 5-50-80, 9 VAC 5-50-260, Condition 21 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002 and Condition 7 of NSR Permit issued June 1, 2005)

19. **Testing/Monitoring Ports** – The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing a stack or duct that is free from cyclonic flow. Test ports shall be provided when requested at the following locations:

- a. The common duct (or each individual duct) leading to the carbon adsorption system,
- b. The common exhaust stack (or each individual stack) of the carbon adsorption system, and
- c. The common exhaust stack for the curing ovens.

(9 VAC 5-50-30 F, 9 VAC 5-80-110 and Condition 8 of 8/8/2001 NSR/NSPS permit, amended February 11, 2002)

B. Monitoring

1. **Monitoring System** – A monitoring system meeting the design specifications of 40 CFR 60, Appendix B, shall be installed to measure and record the concentrations of Toluene (as VOC's) from the adsorber outlet. Except where otherwise indicated in this permit, the monitors shall be installed, calibrated, maintained, audited and operated in accordance with the requirements of 40 CFR 60.13, Subpart 60.744 and Appendix B, or DEQ approved procedures which are equivalent to the requirements of 40 CFR 60.13 and Appendix B. Records shall be maintained in accordance with 40 CFR 60.747 (d)(1)(i).

(9 VAC 5-80-110 E, 9 VAC 5-50-40 F, 40 CFR 60.13, 60.744, Appendix B and Condition 7 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002)

2. **Continuous Monitoring** – The permittee shall install, calibrate, maintain and operate according to the manufacturer's specifications, a monitoring device that continuously measures and records the exhaust duct flow rate as an indicator of the performance of the total enclosures (ref. 40 CFR 60.744 (g) & (h)).

(9 VAC 5-80-110 E, 9 VAC 5-50-260, 40 CFR 60.744 (g) and (h) and Condition 15 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002)

3. **Continuing Compliance Determinations - Monitoring Device Observation** – The monitor used to continuously measure the concentration level of the organic compounds shall be observed by the permittee on a daily basis. The permittee shall continuously record the monitor data and have installed a high organic concentration level alarm.
(9 VAC 5-80-110, 9 VAC 5-50-50 H, 60.744 (c)(2) and Condition 23 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002)
4. **Continuing Compliance Determinations - Monitoring Quality Control Program** – A monitor quality control program, which meets the requirements of 40 CFR 60.13, and Appendix B, shall be implemented for all continuous monitoring systems.
(9 VAC 5-80-110 E, 9 VAC 5-50-40, 40 CFR 60.13 and Condition 24 of NSR/NSPS permit issued 8/8/2001, amended February 11, 2002)
5. **Monitoring for Visible Emissions** - For each emissions unit with a visible emissions limit contained in this permit, the permittee shall perform a weekly visual emissions observation during normal operations. If such visual observation indicates any visible emissions, the permittee shall take corrective action to eliminate the visible emissions. If such corrective action fails to eliminate the visible emissions, the permittee shall conduct a visible emissions evaluation (VEE) using 40 CFR 60, Appendix A, Method 9, for six minutes. If the six-minute VEE opacity average exceeds 50% of the standard for a specific unit, the VEE for that unit shall continue for an additional 12 minutes. If any of the six-minute averages during the 18 minutes exceeds the standard for a specific unit, the VEE for that unit shall continue for one hour from the initiation on the stack to determine compliance with the opacity limit. The permittee shall record the details of the visual emissions observations, VEEs, and any corrective actions. These records shall be kept at the facility and made available for inspection by the DEQ for the most recent five-year period.
(9 VAC 5-80-110)
6. **Compliance Assurance Monitoring** – The permittee shall conduct monitoring as specified in the Compliance Assurance Monitoring (CAM) Plan (Attachment 'A'). The permittee shall monitor the visible emissions from control equipment exhausts or stacks on a daily basis. A one-minute observation will be performed and the results recorded in a logbook (or electronic file) by the observer. This condition is applicable to Emission Unit B28 at the stack S13.
(9 VAC 5-80-110 E and 40 CFR 64.8)
7. **Quality Improvement Plan** – The permittee shall develop a Quality Improvement Plan, according to 40 CFR 64.8 if more than five excursions from the indicator range specified in the Compliance Assurance Monitoring Plan occur within any consecutive six-month period. An excursion shall be defined as the presence of detectable visible emissions. Semi-annual periods are as indicated by reporting requirements in condition X.C.3.
(9 VAC 5-80-110 E and 40 CFR 64.8)

C. Recordkeeping

1. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:
 - a. The annual production of rubber blankets, calculated monthly as the sum of each consecutive 12-month's production.
 - b. The throughput of all Toluene, calculated daily and monthly and calculated annually as the sum of each consecutive 12-month's production.
 - c. The annual throughput of Methyl Ethyl Ketone, calculated monthly and as the sum of each consecutive 12-month period.
 - d. The annual throughput of VM&P Naphtha, calculated monthly and as the sum of the previous consecutive 12-month period.
 - e. The annual throughput of Isopropyl alcohol, calculated monthly and as the sum of the previous consecutive 12-month period.
 - f. Operation and control device monitoring records for the carbon adsorber recovery system, including strip recorder data.
2. **Recordkeeping for CAM** - The permittee shall maintain records documenting the monitoring required by the CAM Plan (Attachment 'A'):
 - a. The date and time of observations, the name of the observer, and whether or not there were visible emissions.
 - b. Number of excursions in each semi-annual reporting period.
 - c. Corrective action taken in response to excursions; and
 - d. If applicable, any written QIP required by Condition VII.B.2 and 40 CFR 64.8 and any activities undertaken to implement a QIP.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110 and 40 CFR 64.9(b)(1) & (2))

D. Testing

1. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

The following table is only required for those pollutants that have emission limits.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO _x	EPA Method 7
SO ₂	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Methods 5, 17
Visible Emission	EPA Method 9, 22

(9 VAC 5-80-110)

E. Reports and Notifications

1. **Reports for Continuous Monitoring Systems** – The permittee shall furnish written reports to the Tidewater Regional Office of excess emissions from any process monitored by a continuous monitoring system on a quarterly basis, postmarked no later than the 30th day following the end of the calendar quarter. These reports shall include, but are not limited to the following information:
 - a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions and the date and time of commencement of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments, and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 28 of 8/8/2001 NSR/NSPS permit, amended February 11, 2002)

2. **Reports for NSPS Subpart VVV Compliance** – The permittee shall maintain records and submit quarterly reports as required by 40 CFR 60.747 (a), (d), (f) and (g) to the Director, Tidewater Regional Office. The format of these records and reports shall be arranged with the Director, Tidewater Regional Office.

(9 VAC 5-50-260, 9 VAC 5-80-110, 40 CFR 60.747 and Condition 29 of 8/8/2001 NSR/NSPS permit, amended February 11, 2002)

3. **Notification for Control Equipment Maintenance** – The permittee shall furnish notification to the Tidewater Regional Office of the intention to shut down or bypass, or both, air pollution control equipment for necessary scheduled maintenance, which results in excess emissions for more than one hour, at least 24 hours prior to shutdown. The notification shall include, but is not limited to, the following information:

- a. Identification of the air pollution control equipment to be taken out of service, as well as its location, and registration number;
- b. The expected length of time that the air pollution control equipment will be out of service;
- c. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;
- d. Measures that will be taken to minimize the length of the shutdown or to negate the effect of the outage.

(9 VAC 5-20-180 B, 9 VAC 5-80-110 and Condition 25 of 8/8/2001 NSR/NSPS permit, amended February 11, 2002)

4. **Notification for Facility or Control Equipment Malfunction** – The permittee shall provide Notification to the Tidewater Regional Office of malfunctions of the affected facility or related air pollution control equipment that may cause excess emissions for more than one hour, by facsimile transmission, telephone or telegraph. Such notification shall be made as soon as practicable but not later than four daytime business hours of the malfunction. The permittee shall provide a written statement giving all pertinent facts, including the estimated duration of the breakdown, within 14 days of the occurrence. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the permittee shall notify the Tidewater Regional Office in writing.

(9 VAC 5-20-180 C, 9 VAC 5-80-110 and Condition 26 of 8/8/2001 NSR/NSPS permit, amended February 11, 2002)

IV. Fuel Burning Equipment Requirements (Emissions Unit BLR-1)

A. Limitations

1. **Requirements by Reference** - Boiler BLR-1 is subject to the NSPS, Subpart Dc for Small Industrial Steam Generating Units.

(9 VAC 5-80-110 and 40 CFR 60.48c.)

2. **Fuel** - The approved fuel for the boiler is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110)
3. **Operating and Training Procedures** – Boiler emissions shall be controlled by proper operation and maintenance of combustion equipment. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer’s operating instructions, at minimum.
(9 VAC 5-80-110)

B. Recordkeeping

1. The owner or operator of each affected facility shall record and maintain records of the amount of natural gas combusted daily and monthly. All records required under this section shall be maintained by the owner or operator of the affected facility for five years following the date of such record.
(9 VAC 5-80-110 and 40 CFR 60.48c(g) and (i))

V. National Emission Standards for Hazardous Air Pollutants, 40 CFR 63, Subpart OOOO

1. **Applicable Regulations** - Kinyo is subject to the regulations for the Printing, Coating and Dyeing of Fabrics and Other Textiles at 40 CFR Part 63, Subpart OOOO. The regulation was promulgated on May 29, 2003 and, as an existing category source, Kinyo must show compliance with the requirements of the regulation by May 30, 2006.
(9 VAC 5-80-110 and 40 CFR 63.4281 (a) and (b))
2. **Compliance Method** – Kinyo has selected the MACT Compliance option; “emission rate with add-on controls option” for which a solvent recovery system will be used and liquid-liquid material balances will be conducted. Kinyo must demonstrate that, based on the regulated materials applied in the web coating/printing operations, the organic HAP emission rate for the web coating/printing operations is less than or equal to 0.12 kg organic HAP/kg of coating solids applied, calculated as a rolling 12-month average emission rate.
(9 VAC 5-80-110, 40 CFR 63.4310 (a)-(c) and 63.4291 (a)(3))
3. **Work Practice Plan** – Kinyo shall develop and implement a Work Practice Plan with the objective of minimizing organic HAP emissions from the storage, mixing, and conveying of regulated materials used and from waste materials generated. At a minimum the plan must address the following elements:
 - a. All organic HAP-containing regulated materials and waste materials must be stored in closed containers.
 - b. Spills of organic-HAP containing regulated materials, and waste materials must be minimized.

- c. Organic HAP-containing regulated materials and waste materials must be conveyed from one location to another in closed containers or pipes.
- d. Mixing vessels which contain organic HAP-containing regulated materials must be closed except when adding to, removing, or mixing the contents.
- e. Emissions of organic HAP must be minimized during cleaning of web coating/printing storage, mixing, and conveying equipment.

(9 VAC 5-80-110 and 40 CFR 63.4293 (b))

- 4. **Startup, Shutdown and Malfunction (SSM) plan** – Kinyo shall develop and implement a Startup, Shutdown and Malfunction plan in accordance with 40 CFR 63.6(e)(3). The SSM plan shall address the startup, shutdown and corrective actions to take in the event of a malfunction of the emissions capture system or the solvent recovery system. Additionally, the plan must address any other web coating process equipment that could cause increased emissions of solvent or that would adversely affect the efficiency of the emissions capture system during periods of equipment malfunction.

(9 VAC 5-80-110 and 40 CFR 63.4300 (c))

- 5. **Notifications and Reports** – The following notifications and reports are required to show compliance with 40 CFR 63, Subpart OOOO:

- a. Kinyo submitted the initial notification during November, 2003.
- b. Notification of Compliance Status (NCS) is due no later than 30 days following the initial compliance period. For Kinyo, the compliance date is May 29, 2006 and the initial compliance period ends one year later on May 31, 2007. Therefore, the due date for the NCS is June 30, 2007.
- c. Semiannual Compliance Reports are due for subsequent operating periods immediately after the initial compliance period. The first semiannual compliance report will be due at the end of the six-month period of July 1, 2007 through December 31, 2007. Semiannual compliance reports may be submitted with the regular Title V semiannual reports as required by Condition IX.C.
- d. Startup, Shutdown, Malfunction (SSM) Reports shall be submitted semiannually on the same schedule as above, if a SSM event occurs during the reporting period. Actions taken which were consistent with the SSM plan shall be indicated in the semiannual compliance report. If any actions are taken, not consistent with the SSM plan, a description of the actions taken must be reported to the DEQ by telephone, facsimile or by other effective means within 2 working days after the occurrence. A letter describing the event with specific information is to be submitted within 7 working days after the end of the event.

(9 VAC 5-80-110, 40 CFR 63.4310 and 63.4311)

6. **Initial Compliance Demonstration** – For the emission rate with add-on controls compliance option, Kinyo, as a web coating/printing operation, must meet the emission limitation in Table 1 of 40 CFR 63, Subpart OOOO. Kinyo is classified as an existing source for the purposes of Subpart OOOO. Kinyo has chosen the emission limitation of ‘no more than 0.12 kg of organic HAP per kg of solids applied’. The equations listed in 63.4341(e) describe the necessary calculations that show compliance with the MACT. The liquid-liquid material balances are to be performed in accordance with 63.4341(e)(5). To demonstrate initial compliance with the emission limit, the organic HAP emission rate with add-on controls for the compliance period, calculated using Equation (4), at 63.4341(e) must be less than or equal to the applicable emission rate in Table 1 of 40 CFR 63, Subpart OOOO.
(9 VAC 5-80-110, 40 CFR 63.4340 (b)(1),(2),(3) and 63.4341)
7. **Required Records; Initial Compliance** - Kinyo must keep all records as required by §§63.4312 and 63.4313. As part of the Notification of Compliance Status required by §63.4310, Kinyo must identify the web coating/printing operation for which you used the emission rate with add-on controls option and submit a statement that the web coating/printing operation was in compliance with the emission limitations during the initial compliance period because the organic HAP emission rate was less than or equal to the applicable emission limit in Table 1 of Subpart OOOO, and that you achieved the operating limits required by §63.4292 and the work practice standards required by §63.4293.
(9 VAC 5-80-110, 40 CFR 63.4312, 63.4313, 63.4292, 63.4293 and 63.4341)

VI. Facility Wide Conditions

1. **New Source Standard for Visible Emissions** – No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this condition. This standard is applicable to Emission Units B1-B15, B20-B26, BLR-1.
(9 VAC 5-50-80 and 9 VAC 5-80-110)
2. **Facility or Control Equipment Malfunction – Hazardous Air Pollutant Processes** The processes listed below shall, upon request of the DEQ, shut down immediately if their emissions increase in any amount because of a bypass, malfunction, shutdown or failure of the process or its associated air pollution control equipment. The processes shall not return to operation until they and the associated air pollution control equipment are able to operate in the proper manner.
 - a. Rubber mixing process
 - b. Substrate coating operation
(9 VAC 5-20-180 F 3, 9 VAC 5-80-110 and Condition 31 of NSR/NSPS Permit issued 8/8/2001, amended February 11, 2002)

3. **Violation of Ambient Air Quality Standard** – The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.

(9 VAC 5-20-180 I, 9 VAC 5-80-110 and Condition 32 of 8/8/2001 NSR/NSPS permit, amended February 11, 2002)

4. **Maintenance/Operating Procedures** – The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices, and process equipment which affects such emissions:

- a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
- b. Maintain an inventory of spare parts.
- c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9 VAC 5-50-20 E, 9 VAC 5-80-110 and Condition 33 of 8/8/2001 NSR/NSPS permit, amended February 11, 2002 and Condition 8 of June 1, 2005 NSR permit)

VII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
BLR-2	Cleaver Brooks Boiler	5-80-720 C.2.a	PM, NOx, PM10, CO	5.23 mmBtu/hour
BLR-3	Cleaver Brooks Boiler	5-80-720 C.2.a	PM, NOx, PM10, CO	5.23 mmBtu/hour
SES-1	Solvent Evaporation System	5-80-720 B.5.	VOC (Toluene, MEK)	less than 5 tons/yr
TANK-1	Solvent Storage Tank	5-80-720 B.5.	VOC (Toluene, MEK)	less than 5 tons/yr
PLCM-1	Pilot Laboratory Coating Machine	5-80-720 B.5.	VOC (Toluene, MEK)	less than 5 tons/yr

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VIII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60, Subpart Kb	Standards of Performance for Volatile Organic Storage Vessels	Subpart Kb has been amended to exempt those storage vessels previously subject to recordkeeping requirements only.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

IX. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”
- (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incidence of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
 6. Such other facts as the permit may require to determine the compliance status of the source.
- One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours, after a deviation is discovered from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit. (9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after a deviation is discovered from permit requirements, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office. (9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit. (9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emissions Standards for Asbestos, as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
(9 VAC 5-80-110 I)

X. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5-50-140 Standard for Odorous Emissions
2. 9 VAC 5-60-320 Standard Toxic Pollutants
(9 VAC 5-80-110 N and 9 VAC 5-80-300)